

# Agenda

## Naples City Planning and Zoning Commission

January 20, 2022 at 7:30 p.m.  
Naples City Council Room  
1420 East 2850 South  
Naples, Utah 84078

THIS IS A REGULARLY SCHEDULED PLANNING AND LAND USE MEETING

### OPENING CEREMONIES

#### STANDING BUSINESS

- Verification of Full Quorum & Designation of Voting Members:

<u>Commissioner</u>	<u>Voting</u>	<u>Commissioner</u>	<u>Voting</u>
Chris Clark (Chairman)	Y N	Jacob Harrison	Y N
Andrew Bentley (Vice-Chairman)	Y N	Scott Major (A)	Y N
Scott Adams	Y N		
Jessy McKee	Y N		

- Approval of Agenda –January 20, 2022
- Election of Chairman and Vice-Chairman for the 2022 year
- Disclosures
- Approval of Minutes – November 18, 2021

#### ADMINISTRATIVE

1. Planning Commission
  - Bylaws 02-04-007 Meetings- 2022 Planning & Zoning Commission Meeting Schedule
2. Introduction of Planning & Zoning Commission Alternate
  - Scott Major

#### PLANNING/DISCUSSION

3. Accessory Buildings Minimum Setbacks
  - 02-14-006, 02-21-005.4, 02-22-005.4, 02-23-004.4, 02-24-005.4, 02-25-006.4, 02-11-008.4
4. Recreational Vehicle and Mobile Homes Prohibited
  - 02-14-017
5. IFA Subdivision
  - Amended Subdivision Plat
6. Appeals Variance Officer
  - 02-06 Appeals and Variances

#### ITEMS FOR FUTURE DISCUSSION

- Land Use Ordinance Changes
  - Sign Regulations 02-16

#### ADJOURN

All persons residing within the area served by City of Naples are HEREBY NOTIFIED that the Naples Planning and Zoning Commission will meet on the 3<sup>rd</sup> Thursday of each month at 7:30pm. All persons concerned with any matter before the Naples Planning and Zoning Commission are invited to attend. If possible, call to get on the agenda, 435-789-9090 NOTE: In compliance with the Americans with Disabilities Act, Individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Land Use Administrator at 435-789-9090 at the Naples City Office, 1420 East 2850 South, Naples, Utah 84078 at least three days prior to the meeting.



## Naples Planning and Land Use

**Public Meeting  
November 18, 2021**

**Commission Present:** Chris Clark, Jessy McKee, Andrew Bentley, Scott Adams

**Commission Absent:** Jacob Harrison

**Others Present:** Mike Davis, Gwen Harrison, Stephanie Adams, Scott Major

**Verification of full Quorum** Chris Clark verified a full quorum. All commissioners will be voting in tonight's meeting.

**Approval of Agenda** Jessy McKee motions to approve the agenda for the November 18, 2021, Scott Adams seconds the motion.

All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Jessy McKee</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Scott Adams</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Disclosures** Jessy McKee has item on agenda for the meeting.

**Approval of Minutes** Scott Adams abstains from voting on approval of minutes from previous meeting.

Chairman Clark asked for clarification two sentences that were not complete. "No pressing issue to act on now. Send to City Council for discussion on topic." and "Commissioner Clark asks for motion."

Andrew Bentley motions to approve the September 16, 2021, minutes with two changes made. Jessy McKee seconds the motion.

All in favor:

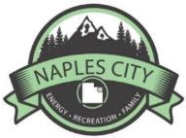
<b>Chris Clark</b>	<b>Aye</b>
<b>Jessy McKee</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

## **PLANNING/DISCUSSION**

### **Planning & Zoning**

Mike Davis proposed the question if there were expectations from the Planning Commission for Staff relating to notifications and meetings. Commissioner McKee stated that changes to notification for commission members has improved and is working. Mr. Davis states that Staff would welcome discussion on expectations be shared. Commissioner Bentley questioned if this is relating to only meetings or in general. Mr. Davis stated yes, to both. Commissioner Bentley suggested on each item to have clarification if the item will be discussion, public hearing, legislative action, providing more description initially and expectations for commission members on agenda for commission members. Commissioner McKee requested clear language when items are presented. Commissioner Bentley stated that Josh Bake would review statues and compare them to other cities in search of items that could be cleaned up. He would also review what the state would be doing and if the state was going to be passing any item that Naples City did not have, which would be required in the city in the future. Mr. Davis questioned if he has items to be discussed, they could be brought before the commission. Commissioner Clark clarified that unless a commission member has a personal matter listed on the agenda, the commission is only to hear and discuss what is presented to the commission during the



meeting. Commissioner McKee stated Josh Bake would give staff a recommendation or idea of a direction to give an idea where he thought the commission would like to go. Commissioner Adams stated that staff would bring items in writing as it currently reads to have the commission review and suggest changes. Commissioner Clark stated that many of the items that would come up, staff would go to meetings planning meetings, meeting with other planners in the state and county, and would bring the items to the Planning Commission with recommendations for ordinance changes. The other items would be residents walking in to do business in the city and when ordinance is read, there appears to be conflicting information, items aren't clear enough, or items causing problems when applications were brought to the city by individuals questioning. Commissioner Bentley stated that some items are recommended by City Council that something be done by the planning commission. Rarely do items originate from the commission. Commissioner Bentley questioned if one of the commissioners did want something changed in a law if they should come to staff beforehand or present at the meeting. Ms. Harrison stated she preferred it be brought to staff ahead of time in order to complete research on the item to be added to the next agenda. Commissioner Clark stated when someone brings in an application the individual or staff will need to present it, the planning commission will have their packet but will also need some context with what the ordinance states, recommendation, or some direction from staff would be good. Planning commission may direct staff to look further into an ordinance and come back the next meeting. Commissioner Bentley stated sometimes that may be that we are directed to look into other cities and what their ordinances may say. Commissioner Clark mentioned if there were to be ordinance changes the numbers to reference the ordinance number should be listed on the agenda.

### **Zoning Map Commercial Designations Discussion**

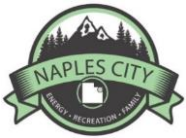
Mike Davis presented the item regarding commercial designations. An individual had approached the city wanting to change a commercial designation to R3 designation. Mr. Davis got visiting with City Council and it was determined that they would like to keep commercial designations. Commissioner Bentley questioned if there was an individual who wants to come spend money and improve something, it is a conversation that should be had. The hotel near the Naples School wants to convert into apartments for monthly rent out instead of daily. Commissioner Bentley questioned if the City Council had voted on the master plan, which has been approved. He stated that would have an influence on where we would like to go forward with these items. Mr. Davis stated that if an individual wants to come in and build, he doesn't want to downplay development.

### **Landlocked Parcel Frontage Requirements Discussion**

Mike Davis presented the item regarding a landlocked parcel. An individual approached Mr. Davis asking how they could build a home in a parcel that is landlocked where they would like to build on the northern most side of the property. In the past, the individual has proposed a flag lot, which was not approved. The property is in A1 and if they would be able to build a road to city standards to create the 80 feet of frontage. Commissioner Bentley stated the individual could build a road to the existing class D road. If he were to, he would have to build the road to a roundabout. Commissioner Clark stated he can build a house on that lot, it may take it out of Greenbelt. A minor subdivision would need to be completed to change the lot for 80 feet on frontage. At the moment, it is non-conforming. He does have the ability to make the frontage. A minor subdivision needs to come before the planning commission. Commissioner Bentley questioned if it was part of a dugway if that would count as frontage. Commissioner Clark stated if it is frontage along a public right of way, it is frontage regardless. Commissioner Bentley questioned how close the property was to a road on the north side of the parcel, which is approximately a mile and several property owners.

### **Jessy McKee Sign Discussion**

Jessy McKee owns a sign built in 1986. We are unable to find a building permit for when the sign was put up. For his business needs, he needs something stating the sign is in Naples, acknowledged by someone in Naples government. His insurance needs to know that the structure is there and has been there for an extended period of time, and he didn't build it yesterday. The sign structure is there and is something within the city. Commissioner Bentley questioned if Mr. McKee is wanting to use this as and on-premises sign or off-premises sign. Mr. McKee stated he would like to use it as an off-premises sign at a later date, but for this topic it is a sign. He will be going to City Council to ask them to allow



use from an old sign to this current sign. Commissioner Bentley questioned if this should be brought up to the City Council or if it should be brought up to the Land Use Ordinance Administrator. If there is a disagreement with individuals, they would go to the Land Use Ordinance Administrator as an arbitrator. Mr. McKee stated he has not been denied anything at this point. Mr. Davis stated it is being reviewed. Commissioner Bentley questioned if it is being reviewed by the right entity. If this is a dispute, it should go to the Appeals Variance Officer. Commissioner Clark questioned if the sign requires City Council approval or if it is an administrative procedure. Commissioner Bentley stated he is asking for administrative procedure. The planning commission is not in any position to rule on whether or not the sign has been there and can be used for what Mr. McKee is wanting to use it. Commissioner Clark stated that Mr. McKee in the fact that he has not been denied and application, there is no dispute. Mr. Davis stated Mr. McKee should come back with a letter stating the sign exists and should be given to Mr. Davis. Mr. McKee is looking for some acknowledgement that the sign is there, has been since 1986, its not a newly built structure, and the sign met requirements at the time of construction. Commissioner Clark stated that he has seen the sign and it does exist in Naples City. Mr. Davis stated once Mr. McKee receives his response for his other sign, they would accept the change of use on this sign or not. Mr. McKee stated the acknowledgement has to come from Naples City in order to list an asset and get it insured later on. Commissioner Bentley questioned if Mr. McKee has requested the letter. Mr. McKee stated he has but has not received it yet. Mr. Davis stated Mr. McKee should fill out a sign permit and bring a letter stating items that should be included on the letter. Commissioner Clark stated the sign approval process is administrative. Mr. McKee's situation began at a bad time because we were in between staff and administration changes. Mr. McKee questioned if someone were to come in for a sign recognized as on-premises if it would be the planning commission that would recognize it or if it would be Dale Peterson. Commissioner Clark stated the planning commission has very little decision-making authority, all they are is a recommendation body.

#### **ITEMS FOR FUTURE DISCUSSION**

The Planning Commission has directed staff to look up and research the appeals variance officer.

Commissioner Clark asks for a motion to adjourn.

#### **ADJOURN**

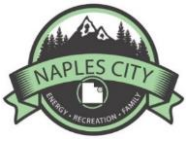
Scott Adams motions to adjourn, Jessy McKee seconds the motion.

All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Jessy McKee</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Scott Adams</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**The next Planning and Zoning meeting will tentatively be held December 16, 2021, in the Naples City Council Chambers at 7:30 P.M.**



Item No: \_\_\_\_**1**\_\_\_\_

<b>MEMO TO:</b> Planning Commission  <b>FROM:</b> Staff  <b>Date:</b> January 20, 2022	<b>Subject:</b>  Planning Commission Bylaws  Ordinance 02-04-007
<b>Staff Recommendation:</b>  Approve the proposed 2022 schedule	
<b>Background:</b>  Naples City Planning Commission meetings have previously occurred on the 3rd Thursday of each month at 7:30 pm in the Naples City Council Room	
<b>Options:</b>  ____ Approve meetings to remain the 3rd Thursday of each month at 7:30 pm  ____ Change Planning Commission meeting date and time.	



## **Proposed 2022 Naples City Planning Commission Meeting Schedule:**

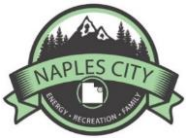
Date: 3<sup>rd</sup> Thursday of each month

Time: 7:30 pm

Location: Naples City Council Room

### Tentative Dates:

- January 20
- February 17
- March 17
- April 21
- May 19
- June 16
- July 21
- August 18
- September 15
- October 20
- November 17
- December 15



Item No: 3

<b>MEMO TO:</b> Planning Commission  <b>FROM:</b> Staff  <b>Date:</b> January 20, 2022	<b>Subject:</b>  Accessory Buildings Minimum Setbacks
<b>Staff Recommendation:</b>  Approve the proposed changes and send to City Council for final approval.	
<b>Background:</b>  Building Official, Dale Peterson, has suggested the changes of Accessory Buildings Minimum Setbacks, changing from 5 feet to 3 feet.	
<b>Options:</b>  <input type="checkbox"/> Table and bring back to discuss further  <input type="checkbox"/> Bring back for a public hearing  <input type="checkbox"/> Approve proposed changes and send to City Council  <input type="checkbox"/> Reject the proposed changes and make no changes	



## **CHAPTER 02-14            SUPPLEMENTARY REGULATIONS**

Section 02-14-006        ~~Reserved for Future Use~~

**Exempt from permit and location requirements:**

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements in the following, A-1, RA-1, RA-2, R-1, R-2, R-3 zones provided that the floor area does not exceed 200 square feet.

## **CHAPTER 02-21            AGRICULTURAL ZONE A-1**

### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

02-21-005 Location Requirements

4. Accessory buildings:

Front :30 feet

Side: ~~5~~ 3 feet Unless the accessory building is located within 5 feet of the main building, then the side setback is the same as the main building.

Rear: ~~5~~ 3 feet

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

## **CHAPTER 02-22 RESIDENTIAL-AGRICULTURAL ZONE RA-1**

### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

**02-22-005            LOCATION REQUIREMENTS**

4. Accessory Buildings

Front: 30 feet

Side: ~~5~~ 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: ~~5~~ 3 feet

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.



## CHAPTER 02-23 RESIDENTIAL/AGRICULTURAL ZONE RA-2

### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

#### 02-23-004 LOCATION REQUIREMENTS

##### 4. Accessory Buildings

Front: 30 feet

Side: ~~5~~ 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: ~~5~~ 3 feet.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

## CHAPTER 02-24 RESIDENTIAL ZONE R-1

#### 02-24-005 LOCATION REQUIREMENTS

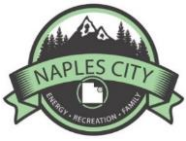
### MINIMUM SETBACKS FROM PROPERTY LINES:

##### 4. Accessory Buildings

Front: 30 feet

Side: ~~5~~ 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.



## CHAPTER 02-25 RESIDENTIAL ZONES R-2

### 02-25-06 LOCATION REQUIREMENTS

#### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

##### 4. Accessory Buildings

Front: 30 feet

Side: ~~5~~ 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: ~~5~~ 3 feet.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

## CHAPTER 02-11 RESIDENTIAL ZONE R-3

### 02-11-008 LOCATION REQUIREMENTS

#### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

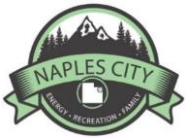
##### 4. Accessory buildings:

Front 24 feet

Side ~~5~~ 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: ~~5~~ 3 feet.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.



**DRAFT**

## **CHAPTER 02-14                      SUPPLEMENTARY REGULATIONS**

### **02-14-006                      Exempt from permit and location requirements:**

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements in the following, A-1, RA-1, RA-2, R-1, R-2, R-3 zones provided that the floor area does not exceed 200 square feet.

## **CHAPTER 02-21                      AGRICULTURAL ZONE A-1**

### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

#### **02-21-005                      Location Requirements**

##### **4. Accessory buildings:**

Front :30 feet

Side: 3 feet Unless the accessory building is located within 5 feet of the main building, then the side setback is the same as the main building.

Rear: 3 feet

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

## **CHAPTER 02-22                      RESIDENTIAL-AGRICULTURAL ZONE RA-1**

### MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

#### **02-22-005                      LOCATION REQUIREMENTS**

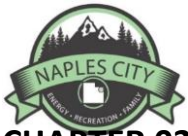
##### **4. Accessory Buildings**

Front: 30 feet

Side: 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: 3 feet

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.



**CHAPTER 02-23**

**RESIDENTIAL/AGRICULTURAL ZONE RA-2**

MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

**DRAFT**

**02-23-004**

**LOCATION REQUIREMENTS**

**4. Accessory Buildings**

Front: 30 feet

Side: 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: 3 feet.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

**CHAPTER 02-24**

**RESIDENTIAL ZONE R-1**

**02-24-005**

**LOCATION REQUIREMENTS**

MINIMUM SETBACKS FROM PROPERTY LINES:

**4. Accessory Buildings**

Front: 30 feet

Side: 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

**CHAPTER 02-25**

**RESIDENTIAL ZONES R-2**

**02-25-06**

**LOCATION REQUIREMENTS**

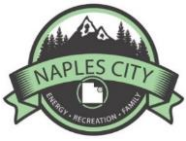
MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

**4. Accessory Buildings**

Front: 30 feet

Side: 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: 3 feet.



**DRAFT**

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.

**CHAPTER 02-11**  
**02-11-008**

**RESIDENTIAL ZONE R-3**

**LOCATION REQUIREMENTS**

MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

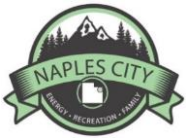
**4. Accessory buildings:**

Front 24 feet

Side 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.

Rear: 3 feet.

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.



Item No: 4

<b>MEMO TO:</b> Planning Commission  <b>FROM:</b> Staff  <b>Date:</b> January 20, 2022	<b>Subject:</b>  Recreational Vehicle and Mobile Homes Prohibited  Ordinance 02-14-017
<b>Staff Recommendation:</b>  Approve changes and sent to City Council for final approval.	
<b>Background:</b>  Building Official, Dale Peterson, has suggested the changes of Recreational Vehicle and Mobile Home Prohibited to include allowance for temporary dwelling in RV when obtaining a building permit for the construction of a home in Naples City.	
<b>Options:</b>  <input type="checkbox"/> Table and bring back to discuss further  <input type="checkbox"/> Bring back for a public hearing  <input type="checkbox"/> Approve proposed changes and send to City Council  <input type="checkbox"/> Reject the proposed changes and make no changes	



### Mobile Home

means a factory-built home manufactured prior to June 15, 1976, which is built on a permanent chassis. The structure has been transported, and arrived at a site ready for occupancy, except for minor and incidental assembly operations. Structure is located on jacks, or other temporary or permanent foundation, and connected to required utilities.

### Ready for Highway Use

means a recreational vehicle on its wheels or jacking system, is attached to the site utilities only by quick disconnect and has no permanently attached additions.

### Recreational Vehicle:

means a vehicle, which is built on a single chassis, is 400 square feet or less when measured at the longest horizontal projection. Designed to be self-propelled or permanently towable by a vehicle. Designed primarily not for use as a permanent dwelling but for temporary shelter, for recreational, camping, travel, or seasonal use and is fully licensed and ready for highway use.

### Recreational Vehicle and Mobile Home Prohibited

It shall be unlawful to place any travel trailers on any lot or parcel of land in Naples City and to use the same for a length of time for human sheltering exceeding 180 days total in any one year. ~~habitation, not more than 30 days within a 12 months cycle except when located in a travel trailer court.~~

1. Recreational Vehicle: are allowed as temporary dwellings when placed in a licensed travel trailer court.
2. Mobile Home: It shall be unlawful to place a mobile home on any parcel of land in Naples City, as of the time of this amendment.
3. Recreational Vehicle Exceptions:
  - A. Upon obtaining a building permit for the construction of a new single-family dwelling in Naples City, one (1) recreational vehicle may be temporarily located on the lot where the dwelling is being constructed, for use as a temporary shelter for the family.
  - B. The Recreational Vehicle shall be listed upon the building permit as temporary sheltering for up to one (1) year dated from the issuance of the building permit.
  - C. The Recreational Vehicle shall meet the setbacks required for an accessory building and shall be connected to the utilities serving the dwelling, water, sewer, power, and gas, and shall maintain a current license plate and ready for highway use.
  - D. At the end of one year or the completion and occupancy of the dwelling, whichever is first, the Recreational Vehicle shall be disconnected from utilities and may be stored on the property for future camping use.
  - E. If at the end of one year the dwelling is not completed, and construction has not been abandoned, the owner may apply to the Building Official for a one-time six-month extension for the recreational vehicle to be used for temporary sheltering.

~~It shall be unlawful to place a mobile home on any lot or parcel of land in Naples City, and to use the same for human habitation, except in compliance with one or more of the following conditions:~~

- ~~A. When temporarily located on a lot for which a building permit has been issued, and a building is being constructed, and is connected to approved water and sewer facilities, but not to exceed one year.~~

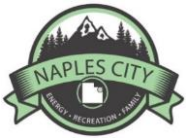


~~B. When placed in a licensed mobile home park.~~

~~C. When placed on a lot that complies with all the regulations of the zone in which the mobile home is located provided:~~

- ~~1. Residential dwellings are a permitted use in the zone, and the mobile home is connected to an approved water supply and domestic sewage disposal facility.~~
- ~~2. The mobile home is placed upon a permanent foundation and is skirted with brick, masonry, or a continuation of the facing material of the mobile home.~~
- ~~3. Will be entered upon the tax roles of Uintah County as real property, as evidenced by a letter or other proof from the county assessor.~~
- ~~4. The mobile home is certified by the U.S. Department of Housing and urban development (H.U.D.) or the State of Utah that it has been inspected and has attached to the mobile home a H.U.D. or State of Utah Inspection Shield.~~

~~(See Single Family or Two Family Dwelling Standards 02-18)~~

**02-14-017 RECREATIONAL VEHICLE AND MOBILE HOMES PROHIBITED****Definitions:****Mobile Home**

means a factory-built home manufactured prior to June 15, 1976, which is built on a permanent chassis. The structure has been transported, and arrived at a site ready for occupancy, except for minor and incidental assembly operations. Structure is located on jacks, or other temporary or permanent foundation, and connected to required utilities.

**Ready for Highway Use**

means a recreational vehicle on its wheels or jacking system, is attached to the site utilities only by quick disconnect and has no permanently attached additions.

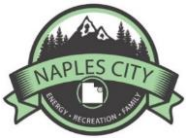
**Recreational Vehicle:**

means a vehicle, which is built on a single chassis, is 400 square feet or less when measured at the longest horizontal projection. Designed to be self-propelled or permanently towable by a vehicle. Designed primarily not for use as a permanent dwelling but for temporary shelter, for recreational, camping, travel, or seasonal use and is fully licensed and ready for highway use.

**Recreational Vehicle and Mobile Home Prohibited**

It shall be unlawful to place any Recreational Vehicle on any lot or parcel of land in Naples City and use the same for human sheltering exceeding 180 days total in any one year.

4. Recreational Vehicle: are allowed as temporary dwellings when placed in a licensed travel trailer court.
5. Mobile Home: It shall be unlawful to place a mobile home on any parcel of land in Naples City, as of the time of this amendment.
6. Recreational Vehicle Exceptions:
  - A. Upon obtaining a building permit for the construction of a new single-family dwelling in Naples City, one (1) recreational vehicle may be temporarily located on the lot where the dwelling is being constructed, for use as a temporary shelter for the family.
  - B. The Recreational Vehicle shall be listed upon the building permit as temporary sheltering for up to one (1) year dated from the issuance of the building permit.
  - C. The Recreational Vehicle shall meet the setbacks required for an accessory building and shall be connected to the utilities serving the dwelling, water, sewer, power, and gas, and shall maintain a current license plate and ready for highway use.
  - D. At the end of one year or the completion and occupancy of the dwelling, whichever is first, the Recreational Vehicle shall be disconnected from utilities and may be stored on the property for future camping use.
  - E. If at the end of one year the dwelling is not completed, and construction has not been abandoned, the owner may apply to the Building Official for a one-time six-month extension for the recreational vehicle to be used for temporary sheltering.



Item No: 5

<b>MEMO TO:</b> Planning Commission  <b>FROM:</b> Staff  <b>Date:</b> January 20, 2022	<b>Subject:</b>  IFA Subdivision Plat "B" Amendment
<b>Staff Recommendation:</b>  Review and Discussion of any Concerns	
<b>Background:</b>  -Lot 2 was previously recorded in the IFA Commercial Site Plat "B"  -Owner of current Lot 2 in the IFA Commercial Site Plat "b" is looking to subdivide the lot in to 3 separate parcels, referred to as Lot 4, Lot 5, and Lot 6 of the proposed subdivision amendment. Intent of owner is to sell 2 parcels.  -Naples City Land Use Administrator has reviewed the plat and believes to be in accordance with ordinances.	
<b>Options:</b>  _____	

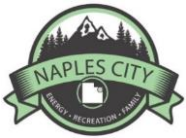


## IFA Commercial Site Plat “B” Amendment

- Zoned Commercial
- Site Development Standards of Commercial Zone:
  - **02-26-006** SITE DEVELOPMENT STANDARDS
  - C Zone
  - 1. Minimum lot area - one (1) acre
  - 2. Minimum lot width - one hundred (100) feet
  - 3. Minimum yard setbacks
    - a. Front - thirty (30) feet
    - b. Side - none, except ten (10) feet adjoining a residential zone, or where required by the International Building Code
    - c. Side facing street on corner lot - twenty (20) feet
    - d. Rear – none, except thirty (30) feet adjoining a residential zone
    - e. Building height 1) Minimum – One Story 2) Maximum – Fifty-five (55) Feet
  - 4. Lot coverage - the aggregate of all buildings shall not exceed sixty percent (60%) of the entire lot area.
- Definition of Street:
  - **02-02** STREETS Means a public right-a-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way. A thoroughfare which has been dedicated and accepted by the Council, which the municipality has acquired by prescriptive right or which the municipality owns, or offered for dedication on an approved final plat, or a thoroughfare of at least 28 feet in width, which has been abandoned for private use or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
- Permanent Easement established on final plat.

3. AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR A CLOSED DRAIN PIPELINE, STRUCTURES AND APPURTENANCES AND INCIDENTAL PURPOSES, AS GRANTED TO THE UNITED STATES OF AMERICA BY INSTRUMENTS RECORDED AUGUST 31, 1971 AS ENTRY NO. 126787 IN BOOK 170 AT PAGE 638 AND RECORDED SEPTEMBER 10, 1971 AS ENTRY NO. 126780 IN BOOK 171 AT PAGE 54 OF OFFICIAL RECORDS.

4. NEW EASEMENTS ARE SHOWN ON THIS PLAT WITH THE CENTERLINE OF EACH EASEMENT. THE WIDTH AND TYPE OF EACH EASEMENT IS SHOWN IN THE LEGEND. THE EASEMENT WIDTH REFERS TO TOTAL WIDTH CENTERED ON THE CENTERLINE. TIES TO POINTS ON THE EASEMENT ARE SHOWN.



## OWNER'S DEDICATION

THE UNDERSIGNED OWNER(S) OF THE FOREGOING TRACTS OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, BLOCKS, (PARKS, WALKWAYS) AND STREETS (TUNING CIRCLES, ETC..) AND UTILITY EASEMENTS AS SHOWN ON THE ABOVE AND FOREGOING PLAT THEREOF, WHICH IS HEREBY MADE PART HEREOF, AND ASSIGN TO THE LANDS INCLUDED IN SAID PLAT THE NAME OF IFA COMMERCIAL SUBDIVISION PLAT "B".

THE UNDERSIGNED OWNERS FURTHER HEREBY DEDICATE, GRANT AND CONVEY TO NAPLES CITY ALL THOSE PARTS OR PORTIONS OF SAID TRACTS OF LAND DESIGNATED ON SAID PLATS AS (PARKS, WALKWAYS) STREETS, (CIRCLES, ETC. AS THE CASE MAY BE), THE SAME TO BE USED AS PUBLIC THOROUGHFARES, (PARKS, WALKWAYS) FOREVER AND GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER AND UNDER THE LAND DESIGNATED ON THE PLAT AS PUBLIC UTILITY EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AS MAY BE AUTHORIZED BY NAPLES CITY.

DATED THIS 18 DAY OF November, A.D., 2013.

Joseph Craig Seltzer  
NAME/TITLE

11/18/13  
DATE

Entry  
Book 1

Intermountain Farmers Association  
COMPANY

- 02-31-011 Single Lot and Minor Subdivisions

02-31-011      SI02-31-011      SINGLE LOT AND MINOR SUBDIVISIONS

### Objectives:

The purpose of this section is to streamline the process of approval for single-lot and minor subdivision proposals. Owners of property in any zone who make a proposal for a single-lot or minor subdivision shall make application through the Land Use Administrator's office.

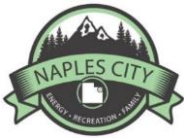
Prior to subdivision or development of Land, the Applicant shall:

1. Submission of Concept Plat

Submit an application with a Concept Plan to the Land Use Administrator's office. The Land Use Administrator shall review application and Concept Plan plat and shall advise the Applicant of possible problems with the proposed single-lot subdivision within 30 days after receiving the initial application documents. The approval of the Concept Plan shall not constitute approval of the Preliminary Plat or Final plat. If disapproved, the Land Use Administrator shall express the reasons in writing to the Applicant in a timely manner.

2. Submission of Preliminary Plat

After approval of the Concept Plan, the Applicant shall submit five (5) copies of the proposed preliminary plat to the Land Use Administrator's office. The Land Use administrator shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of the City



government and the Applicant shall circulate for comment and review copies of the proposed preliminary plat to any districts which provide services.

**3. Land Use Administrator's Approval**

**a. Conditions of approval.**

The Land Use Administrator shall approve the Preliminary plat if it is found to be in accordance with the standards and criteria specified in this ordinance and all other ordinances of the City including, but not limited to, the Land Use Ordinance, Master Street Plan, the General Plan, building codes and Master Park Plan.

**b.** The Land Use Administrator shall determine from the review of the Concept Plan or the Preliminary Plat any possible need for environmental Impact analysis, which would take into account the soil, slope, soil erosion, sedimentation control, vegetation, waterways, drainage and other geological characteristics at the site. If the site requires substantial, clearing, grading earth moving to develop the site, the Administrator shall require the applicant to provide control plans and specifications prepared by a Utah Registered Civil Engineer.

**c.** The Land Use Administrator shall within 30 days after the Preliminary Plat had been filed with the Land Use office either approve or disapprove the Preliminary Plat based on compliance with the municipal ordinances.

**d.** Authorization to proceed with development and the Single-lot subdivision is permitted once one (1) copy of the approved final plat with the written conditions has been signed by the Land Use Administrator, City Attorney, Ashley Valley Water & Sewer, and licensed surveyor, and engineer representing Naples City if engineering work is required, and has been recorded and is stamped with the date and file number at the County Recorder's office, and has been filed with the Uintah County Surveyor's office. A recorded copy must be filed with the Naples Land Use Administration office. If the Final plat has not been recorded within a 12-month period, the Final plat must be re-submitted for approval to the Land Use Administrators office.

**e. Fees**

See general provisions fee resolution. The Applicant shall pay a non-refundable plan check fee for each lot. The fee shall be paid on or before the date the Preliminary plat is submitted for Final approval.

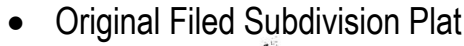
**f. Final Plat Form**

The Final plat shall be prepared by a licensed surveyor hired by the Applicant. The form of the plat shall follow the Major Subdivision Plat provisions where applicable. See Standards for Final Plat. (02-31-008 G. 2.)

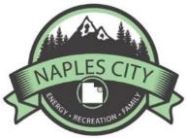
**g.** All improvements necessary for the development of the subdivision lots shall be installed at the expense of the Applicant.

**h.** Notice to public not required unless determined to be necessary by the Land Use Administration Office.

**i.** Minor subdivisions are only permitted on existing roads. When the properties are subdivided, the portions of the properties that lie upon an existing public street shall not be required to be dedicated or deeded to the City.







Item No: 6

<b>MEMO TO:</b> Planning Commission  <b>FROM:</b> Staff  <b>Date:</b> January 20, 2022	<b>Subject:</b>  Appeals Variance Officer  Ordinance 02-06
<b>Staff Recommendation:</b>	
<b>Background:</b>  At the last Planning & Zoning meeting, the subject of the Appeals Variance Officer was brought up. Direction was given to Staff to do research.	
<b>Options:</b>  <input type="checkbox"/> Discussion  <input type="checkbox"/> Bring back to propose changes  <input type="checkbox"/> Send to Mayor for appointment of Appeals Variance Officer	



## CHAPTER 02-06

## APPEALS AND VARIANCES

Section	02-06-001	Appeals and Variances Hearing Officer Established
Section	02-06-002	Appeals of Administrative Decisions
Section	02-06-003	Variances
Section	02-06-004	Appeals of Fees
Section	02-06-005	Exhaustion of Administrative Remedies
Section	02-06-006	Ex Parte Communication

### 02-06-001

### APPEALS AND VARIANCES HEARING OFFICER ESTABLISHED

#### A. Creation

The position of Appeals and Variances Hearing Officer is created pursuant to the enabling authority granted by the municipal land use, development, and management act, section 10-9a-701 of the Utah Code Annotated.

#### B. Jurisdiction and Authority

The Appeals and Variances Hearing Officer shall have the following powers and duties in connection with the implementation of this title:

1. Hear and decide appeals from any administrative decision made by the Land Use Authority pursuant to the procedures and standards set forth in this code;
2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in section 02-06-003, "Variances", of this code;
3. Hear and decide appeals from final determinations of fees paid by the applicant for any land use application.

#### C. Qualifications

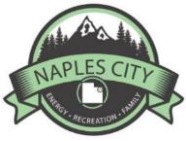
The Appeals and Variances Hearing Officer shall be appointed by the Mayor with the advice and consent of the City Council. The Appeals and Variances Hearing Officer shall be appointed for a term of two (2) years and thereafter may be appointed for succeeding two-year terms. The Appeals and Variances Hearing Officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

#### D. Conflict Of Interest

The Appeals and Variance Hearing Officer shall not participate in any appeal in which the Appeals and Variances Hearing Officer has a conflict of interest. If an appellant alleges that the Appeals and Variances Hearing Officer has a conflict of interest, and the Appeals and Variances Hearing Officer does not recuse himself/herself, the matter shall be brought before the City Council which will make the final decision concerning the existence of a conflict and what remedies are necessary to mitigate the conflict.

#### E. Removal of the Appeals and Variances Hearing Officer

The Appeals and Variances Hearing Officer may be removed by the Mayor for violation of this title or any policies and procedures adopted by the Land Use Administrator following receipt by the Mayor of a written complaint filed against the Appeals and Variances Hearing Officer. If requested by the



Appeals and Variances Hearing Officer, the Mayor shall provide the Appeals and Variances Hearing Officer with a public meeting conducted by a different hearing officer appointed by the Mayor.

#### **F. Employment Agreement**

The Appeals and Variances Hearing Officer shall be an independent contractor; and will enter into a contract for services at the beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the contract. The terms and conditions of the contract shall be approved by the City Council.

**02-06-002**

### **APPEALS OF ADMINISTRATIVE DECISIONS**

#### **A. Authority**

As described in Section C of this chapter, the Appeals and Variances Hearing Officer shall hear and decide appeals alleging an error in any administrative decision made by the Land Use Authority in the administration or enforcement of this title. In addition, the Appeals and Variances Hearing Officer shall hear and decide applications for variances.

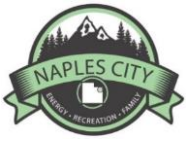
#### **B. Parties Entitled to Appeal**

An applicant or any other person or entity within the jurisdiction of the Appeals and Variances Hearing Officer adversely affected by a decision administering or interpreting this title may appeal to the Appeals and Variances Hearing Officer.

#### **C. Procedure**

Appeals of administrative decisions made by the Land Use Authority, to the Appeals and Variances Hearing Officer shall be taken in accordance with the following procedures:

1. **Filing of appeal:** An appeal shall be made in writing within fourteen (14) days of the administrative decision by the Land Use Authority and shall be filed with the Land Use Administrator. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court.
2. **Fees:** Non-refundable application and hearing fees shown on the Naples City consolidated fee schedule shall accompany the appeal.
3. **Stay of Proceedings:** An appeal to the Appeals and Variances Hearing Officer shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made unless the Land Use Administrator certifies in writing to the Appeals and Variance Hearing Officer, after the appeal has been filed, that a stay would, in the Land Use Administrator's opinion, be against the best interest of the City.
4. **Notice Required:**
  - a. **Public Meeting:** All public meetings shall be conducted as meetings open to the attendance of the general public. Upon receipt by the Land Use Administrator of an appeal of an administrative decision, the Appeals and Variances Hearing Officer shall be notified of the appeal and shall schedule and hold a public meeting in accordance with the standards and procedures adopted for such meeting.
  - b. **Notice of Appeals of Administrative Decisions of the Land Use Authority:** Appeals from a decision of the Land Use Authority are based on evidence in the record. Therefore, testimony at the appeal meeting shall be limited to the appellant and the respondent. Upon receipt of an appeal of a decision by the Land Use Authority, the



Appeals and Variances Hearing Officer shall schedule a public meeting to hear arguments by the appellant and respondent. Notification of the date, time and place of the meeting shall be given to the appellant and respondent, by the hearing officer, a minimum of twelve (12) calendar days in advance of the meeting. The Appeal and Variances Hearing Officer may give e-mail notification, or other form of notification chosen by the Appeals and Variances Hearing Officer, a minimum of twelve (12) calendar days in advance of the hearing.

**D. Standard of Review**

1. The standard of review for an appeal, other than as provided in subsection D2 of this section, shall be de novo. The appeals hearing officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the decision below.
2. An appeal from a decision of the Land Use Authority shall be based on the record made below.
  - a. No new evidence shall be heard by the Appeals and Variances Hearing Officer unless such evidence was improperly excluded from consideration below.
  - b. The Appeals and Variances Hearing Officer shall review the decision based upon applicable standards and shall determine its correctness.
  - c. The Appeals and Variances Hearing Officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.

**E. Burden of Proof**

The appellant has the burden of proving the decision appealed is incorrect.

**F. Action by the Appeals and Variances Hearing Officer**

The Appeals and Variances Hearing Officer shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision. The Appeals and Variances Hearing Officer shall have fourteen (14) calendar days to render a decision. A decision by the Appeals and Variances Hearing Officer shall become effective on the date the written decision is signed.

**G. Notification of Decision**

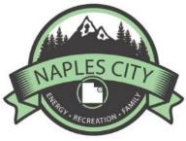
Notification of the decision of the Appeals and Variances Hearing Officer shall be sent by mail to all parties to the appeal within ten (10) days of the Appeals and Variances Hearing Officer's decision.

**H. Record of Proceedings**

The proceedings of each appeal hearing shall be recorded on audio equipment. The audio recording of each appeal hearing shall be kept in accordance with the records retention requirements of the State of Utah. Copies of the tapes of such hearings may be provided, if requested, at the expense of the requesting party.

**I. Appeals**

Any person adversely affected by a final decision made by the Appeals and Variances Hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.



#### **J. Administrative Procedures**

The Land Use Administrator shall adopt administrative procedures, consistent with the provisions of this section, for processing appeals, the conduct of an appeal hearing, and for any other purpose considered necessary to properly consider an appeal.

#### **K. Stay of Decision**

The Appeals and Variances Hearing Officer may stay the issuance of any permits or approvals on the decision for thirty (30) days or until the decision of the district court in any appeal of the decision in accordance with State statute under UCA 10-9a.

**02-06-003**

### **VARIANCES**

The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title that create unreasonable hardship. When such hardship may be more appropriately remedied, if at all, pursuant to other provisions of this title, the variance procedure is inappropriate.

#### **A. Authority of Appeals and Variances Hearing Officer**

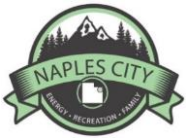
The Appeals and Variances Hearing Officer may grant variances from the provisions of this title only in compliance with the procedures set forth in section C of this section and only in accordance with each of the standards enumerated in this chapter.

#### **B. Parties Entitled to Seek Variances**

Applications for variances may be filed by an owner of the property affected or by the property owner's authorized agent. All applications for variances shall be filed on forms approved by the Land Use Administrator.

#### **C. Procedures**

1. Application: An application for a variance shall be filed with the Land Use Administrator and shall include the following items and information unless determined inapplicable by the Land Use Administrator:
  - a. The property owner's name and address and the owner's signed consent to the filing of the application;
  - b. The applicant's name and address, if different than the owner, and the applicant's interest in the subject property;
  - c. The names and addresses of all professional consultants, if any, advising the applicant with respect to the application;
  - d. The address and legal description of the subject property;
  - e. County ownership plat numbers identifying the property; and
  - f. Noticing and posting requirements shall be met as specified in this title.
  - g. A site plan drawn to scale identifying all property lines, structures, including primary and accessory structures, fences, right-of-way, and their respective distances from the property lines;
  - h. An elevation drawing to scale showing all elevations of existing and proposed structures;



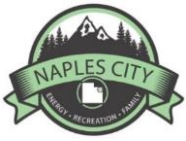
- i. When the variance involves building height a streetscape plan showing the height of the buildings on both sides of the street to the nearest intersection;
  - j. When the variance involves grade changes, a topographical drawing prepared by a licensed surveyor shall be included. The existing topography shall be shown in dashed lines at two foot (2') intervals and the proposed grade shall be shown in solid lines at two foot (2') intervals. All retaining walls shall be identified and the height shall be shown on the plan relative to the proposed grades. Retaining walls shall be designed by a structural engineer licensed to practice in the State; and
  - k. When a variance request involves setbacks or height or grade changes a complete landscape plan shall be provided. Plans shall show landscape design and identify all species and caliper of proposed plants.
  - l. A color aerial plat map of the area, not less than 14" x 20" and showing the area of the requested variance and at least 500 feet on each side of the area.
  - m. The specific feature or features of the proposed use, construction or development that require a variance;
  - n. The specific provision of this title from which the variance is sought and the precise variance being sought;
  - o. A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unnecessary hardship;
  - p. A statement of the minimum variation of the provisions of this title that would be necessary to permit the proposed use, construction or development;
  - q. An explanation of how the application satisfies each standard set forth in this chapter;
  - r. Any other information identified by the Land Use Administrator to be pertinent to the requested variance.
2. Fees: Non-refundable application and hearing fees shown on the Naples City consolidated fee schedule shall accompany the application for a variance.
  3. Public Meeting: Upon receipt of a complete application for a variance, the appeals hearing officer shall hold a public meeting with notice in accordance with the requirements of this title.
  4. Action By Appeals Hearing Officer: Upon the close of the public meeting, the Appeals and Variances Hearing Officer shall render its decision, granting, granting with conditions, or denying the variance, unless the Appeal and Variances Hearing Officer determines that additional time to study the information presented is necessary and which case a written decision shall be promptly rendered and delivered to each of the parties by mail or email.
  5. Special Procedures in Connection with Other Applications: Whenever a variance is needed in addition to a zoning amendment or a conditional use, the zoning administrator shall not schedule a hearing on the variance until a final approval has been rendered on these other applications by the Planning Commission or the City Council, as applicable.

#### **D. Prohibited Variances**

The Appeals and Variances Hearing Officer shall not grant a variance that:

1. Is intended as a temporary measure only; or
2. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or,
3. Authorizes uses not allowed by law (i.e. a "use variance").

#### **E. Standards for Variances**



Standards shall be governed by State statute 10-9a.

#### **F. Variances Less Than Requested**

A variance less than or different than that requested may be authorized when the record supports the applicant's right to some relief but not to the relief requested.

#### **G. Conditions on Variances**

In authorizing a variance, the Appeals and Variances Hearing Officer may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest to mitigate any harmful effects of the variance or that will serve the purpose of the standard or requirement that is waived or modified. The Appeals and Variances Hearing Officer may require a guarantee or bond to ensure that the conditions imposed will be followed. These conditions shall be expressly set forth in the Appeals and Variances Hearing Officer's decision granting the variance. Violation of any condition or limitation on the grant of a variance shall be a violation of this title and shall constitute grounds for revocation of the variance.

#### **H. Effect of Granting Variances**

The granting of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the regulations of the City, including, but not limited to, a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

#### **I. Limitations on Variances**

Subject to an extension of time granted upon application to the Land Use Administrator, no variance shall be valid for a period longer than one (1) year unless a building permit is issued or complete building plans have been submitted to the division of building services and licensing within that period. The Land Use Administrator may grant an extension of a variance for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the variance.

#### **J. Appeal of Decision**

Any person adversely affected by a final decision made by the Appeals and Variances Hearing Officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

#### **K. Stay of Decision**

The Appeals and Variances Hearing Officer may stay the issuance of any permits or approval based on its decision for thirty (30) days or until the decision of the district court in any appeal of the decision in accordance with State statute 10-9a.

### **02-06-004**

#### **APPEAL OF FEES**

Any person aggrieved by the fees charged or assessed for a land-use application may file a petition for review of the decision or assessment with the Appeals and Variances Hearing Officer in accordance with the provisions of this ordinance within five (5) business days after the fee is finally established. An application for a land use is not considered filed until the fee required for that application is paid. In the event a fee is appealed, the applicant may pay the disputed fee and proceed to have the



application considered while the appeal is being processed with any subsequent increase in the fee determined after the appeal or decrease in the fee determined after the appeal to be adjusted and paid or refunded at the time of the decision of the Appeals and Variances Hearing Officer.

**02-06-005**

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

No person may challenge in district court the City's actions on any petition under this title until that person has exhausted all available administrative remedies.

**02-06-006**

**EX PARTE COMMUNICATION**

Ex Parte communication between the appeals and variance hearing officer and parties involved in an appeal pending before the hearing officer relating in any way to the subject of the appeal is prohibited.